United Nations A/HRC/36/8/Add.1

General Assembly

Distr.: General
8 September 2017

Original: English

Human Rights Council
Thirty-sixth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Finland

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.17-15098(E)

Please recycle

1. The Government of Finland welcomes the recommendations made during its universal periodic review on 3 May 2017 and is pleased to provide the following responses, to be included in the outcome report.

100.1 Noted

2. Reservation in Articles 10(2)(b) and 10(3) of the Covenant: although juvenile offenders are, as a rule, segregated from adults in Finland, it is not deemed appropriate to adopt an absolute prohibition not allowing for more flexible arrangements. The number of prisoners under 18 years of age is extremely low in Finland.

3. Reservation in Article 14(7) permits Finland to continue national legal practice whereby a criminal conviction may be reversed to the detriment of the accused person on conditions laid down by law. This is applied very rarely due to efficient criminal investigation system. However, such possibility may be necessary in some cases, especially for guaranteeing legal protection for victims of offences. Therefore Finland still deems the reservation necessary, although the application thereof will continue to be exceptional.

4. Reservation in Article 20(1) prohibiting war propaganda is based on the grounds that this obligation conflicts with the right to freedom of expression defined in Article 19.

5. Necessity of these reservations and the possibility of withdrawing them are reviewed periodically.

100.2–6 Noted

6. Conditions for ratifying ICMW were assessed in 1992, 2004 and 2011. The Government concluded that ratification is not expedient. Its position remains the same.

7. Government will decide later this year whether it will further the ratification of ILO Convention No. 169.

100.7–11 Accepted

8. Government is preparing the ratification of ICPED.

100.12 Partially accepted

9. See comments under 100.2–6, 100.7–11, 100.14 and 100.16.

100.13 Accepted

10. Finland is a party to the Rome Statute.

100.14 and 100.16 Noted

11. See comments under 100.2–6.

100.15 Accepted

12. Government has enabled the participation of Sámi in the ratification process of ILO Convention No.169. See also comments under 100.14 and 100.16.

100.17 Accepted

13. Government uses a merit-based selection process and strives for more openness in this regard.

100.18 Accepted

14. The National Human Rights Institution (NHRI) and the Government Network of Contact Persons for Fundamental and Human Rights monitor and assess the implementation of human rights obligations and commitments.

15. Government's National Action Plan on Fundamental and Human Rights (NAPFHR) for 2017-2019 aims at improving the realisation of fundamental and human rights.

100.19 Accepted

16. NAPFHR promotes public authorities' constitutional obligation to guarantee the observance of fundamental rights and liberties and human rights. Measures under NAPFHR are designed to address identified problems involving human rights.

17. See also comments under 100.18.

100.20–24 Accepted

18. Legislation already fulfils the recommendations. Rape is defined as a sex offence in Chapter 20 of the Penal Code. According to this thoroughly revised Chapter, also acts performed without consent meet the criteria of rape.

100.25 Accepted

19. The Gender Equality Unit coordinates Government's equality policy. A parliamentary Council for Gender Equality operates in conjunction with it. Both have appropriate resources.

20. The Ombudsman for Equality and the National Non-Discrimination and Equality Tribunal have appropriate resources which are assessed in annual State budgets.

100.26 Accepted

21. See comments under 100.25. Existing institutions form a functioning whole in accordance with the Beijing Platform for Action.

100.27 Accepted

22. Resources are assessed in annual State budgets.

100.28 Accepted

23. NHRI is independent and autonomous. Its appropriations are granted by and included in Parliament's operating expenses within the State budget. NRHI's resources are adequate. Greater resources cannot be guaranteed.

100.29 Accepted

24. Necessary information and resources have been given, including mandatory deportation tasks. Resources are assessed in annual State budgets.

100.30 Accepted

25. Government cooperates with the Non-Discrimination Ombudsman in various ways to efficiently promote and raise awareness of equality, while recognizing the Ombudsman's independent and autonomous role.

100.31–32 Accepted

26. Each Ministry has reserved adequate financial and human resources for implementing NAPFHR. The Ministry of Justice coordinates the monitoring of the implementation.

100.33-34 Accepted

27. Education is one of the main areas in NAPFHR, and it is implemented accordingly.

28. Recommendations for developing education on democracy and human rights in teacher training were published in 2014 and implemented in 2016.

29. Supplementary training in vocational and general teacher education is conducted in cooperation with civil society.

30. New national core curricula for basic and general upper secondary education were adopted in 2016. Respect for human rights is part of general education. The core curriculum was outlined by multidisciplinary working groups supported by online consultation groups, various non-profit organisations' opinions and other feedback. This process can be seen as best-practice for many countries.

31. The Action Plan to prevent hate speech and racism and to promote social inclusion and dialogue between religions was launched in 2016.

100.35 Accepted

32. Legislation already fulfils the recommendations. Finland has comprehensive criminal laws against hate crime and hate speech and legislation against discrimination. Legislation has been made stricter, for example, by passing a separate penal provision on aggravated ethnic agitation and by intensifying regulation concerning harsher penalties.

33. The implementation of these laws is enhanced through developing national monitoring of discrimination, methods for equality planning and assessment, educating key groups and developing a policy of good relations between population groups.

100.36–37 Accepted

34. NAPFHR includes equality and measures are taken to address hate crime and hate speech.

35. The Act on Equality between Women and Men aims to prevent gender based discrimination, promote equality and improve women's position especially in working life.

36. Government's Action Plan for Gender Equality 2016-2019 is instrument for coordinating gender equality policy. It collates objectives and measures by which Government promotes equality.

100.38–43 Accepted

37. Renewed Non-discrimination Act and Act on Equality protect against direct and indirect discrimination on all grounds. Compliance is supervised.

38. Government increases awareness and monitors accessibility of existence of legal remedies in discrimination cases.

39. See also comments under 100.36–37.

100.44–45 Accepted

40. Since 2015, the Act on Equality prohibits discrimination based on gender identity and expression. The Non-discrimination Act covers discrimination based on sexual orientation. Gender diversity is included in equality planning. See also comments under 100.38–43.

100.46–49, 100.51–53 Noted

41. The issue has been discussed and a working group was set up to evaluate the legislation and propose any necessary amendments. However, at this stage, Government has not agreed on presenting the issue to Parliament.

100.50 Partially accepted

42. The National Advisory Board on Social Welfare and Health Care Ethics (ETENE) has statutory task of discussing and giving recommendations on ethical issues concerning social welfare and healthcare. In 2016, ETENE gave position statement according to which a child has the right to define his/her own gender. The issue is being discussed with actors treating intersex individuals.

43. See also comments under 100.46–49.

100.54–58 Accepted

44. Government continues to develop policy of good population relations and supports implementation of non-discrimination legislation. See also comments under 100.35–37.

45. NPFHR addresses hate crime and hate speech.

46. The Second National Action Plan for Prevention of Violent Radicalisation and Extremism was drawn up and is implemented in broad-based cooperation with authorities, organisations and communities which have agreed on local measures to increase inclusion and safety among immigrant population.

47. Government cooperates regularly with religious and ethnic communities to gain information about issues increasing insecurity.

48. Police has been given more resources to combat hate speech and crime and to solve crimes (particular focus on Internet).

100.59 Noted

49. Government will prepare a report on needs to improve efficiency in revealing and investigating hate crimes. See also comments under 100.35–37.

100.60–64, 100.66–72 Accepted

50. See comments under 100.38-43.

51. Government develops monitoring of hate crimes by adopting equality and discrimination indicators.

52. NAPFHR coordinates national dialogue to implement code of conduct by the EU-Commission and certain IT firms. Also the Action Plan for combatting and coordination of hate speech and -crimes is developed with monitoring and shadow reporting system.

53. Centralised operation is established for investigating, preventing and combatting suspected hate crimes on Internet. The Police University College started special course for hate crime trainers at police departments.

100.65 Partially accepted

54. Training for judicial authorities will be organized in autumn 2017. Regarding legislative amendments, see comments under 100.59.

100.73 Noted

55. Authorities have zero tolerance for racism and hate speech. Virtual police officers work to prevent hate speech and attitudes spreading hatred in advance. See also comments under 100.54–58.

100.74 Noted

56. Government follows up the issue as part of the implementation of the UN's Guiding Principles on Business and Human Rights on a regular basis.

100.75 Accepted

57. Government follows risk factors of atrocity crimes.

100.76 Accepted

58. National shelter services are secured by law and State-financed.

59. Minorities and vulnerable groups are taken into account in all shelter services.

100.77–83 Accepted

60. Government's Action Plan against Human Trafficking 2016-2017 (GAPHT) covers all segments of work against human trafficking including efficient training.

61. GAPHT takes account of children's rights and best interest, particularly vulnerable situation of child victims and children of adult victims. National coordination promotes wide spectrum of measures to prevent, identify, help and protect child victims, and to investigate/ prosecute human trafficking offences.

62. GAPHT includes special measures for more efficient identification and assistance of victims of human trafficking and for monitoring and developing effectiveness of legislation.

63. Victims of human trafficking are accommodated in reception centers, rented premises or safe houses, or in supported housing according to the victim's situation.

100.84 Noted

64. The aim in preparing legislation is to ensure that various service alternatives are as equal as possible. Non-military service authorities will continue to develop the system in cooperation with various authorities.

100.85 Accepted

65. Government's Action Plan on Democracy Policy promotes equal participation and improves minorities and immigrants possibilities to participate in society.

66. Government actively promotes Roma women's social participation and development of political representation.

67. Finland strives to comply with Article 4 (3) of CRPD as concerns their involvement, including women with disabilities.

100.86 Noted

68. Government supports diverse families.

100.87 Accepted

69. Children's rights are at core of the Government programme in reforming child and family services. It focuses on better identification of particularly vulnerable groups and early and timely support.

100.88 Accepted

70. The Equal Pay Programme 2016–2019 aims to narrow average gender pay gap and implement principle of equal pay for equal work and work of equal value.

100.89 Noted

71. Gender pay gap is tackled e.g. through contract policy, workplace equality planning and combatting segregation.

100.90–92 Accepted

72 Act on Equality prohibits wage discrimination and direct and indirect discrimination based on gender, pregnancy or family leave. The Ombudsman for Equality monitors the Act. Victims may claim compensation at a district court. See comments under 100.88.

100.93 Noted

73. Current legislation provides sufficient protection from discrimination.

100.94 Accepted

74. See comments under 100.19 and 100.33–34.

100.95 Accepted

75. See comments under 100.36–37.

100.96 Accepted

76. See comments under 100.87.

77. Need to support children with disabilities and their families is taken into account in legislation and in the Government Integration Programme.

100.97 Accepted

78. Information on intoxicants is distributed on internet and social media. General and targeted information is provided in schools/ youth work/ organisations.

100.98–99 Accepted

79. See comments under 100.36–37, 100.77–83 and 100.90–92.

100.100–108, 100.112–113, 100.115–117, 100.119-123 Accepted

80. Finland has ratified the Istanbul Convention. A Committee, required by the Convention is preparing an implementation plan.

81. Guidelines are published on uniform care for sexual crime victims. Pilot project provides acute medical and forensic examinations, psychosocial support and referral to further care.

82. State-funded 24/7 helpline for victims of domestic violence has been established.

83. Cooperation model between different authorities has been developed to protect children from violence.

84. NGOs play a big role in combatting violence against women.

85. See also comments under 100.36–37, 100.76, 100.77–83 and 100.90–92.

100.109 Partially accepted

86. Efforts to increase funding include crime victim fees collected from offenders to support on-call services for crime victims. An additional appropriation was granted in 2017 to spread information and improve services, especially for victims in vulnerable situations. To increase the number of shelters and ensure their functioning, Government has decided to increase funding for shelters so that it will be 19.55 million euros in 2019.

100.110–111 Noted

87. Following the amendment of criminal legislation on rape in 2014, the penal scale was toughened.

100.114 Partially accepted

88. See comments under 100.7–11, 100.20–24, 100.76, 100.77–83, 100.100–108, 100.109.

100.118 Partially accepted

89. See comments under 100.82, 100.100–109.

100.124-125 Accepted

90. See comments under 100.87, 100.96 and 100.100–108.

100.126–127, 100.129 Accepted

91. Aliens Act requires special attention to be paid to child's best interest and circumstances related to child's development and health when deciding on children under 18 years. Child over 12 years must be heard.

92. A representative must be designated without a delay to a minor without a guardian and a child seeking for international/temporary protection.

93. Family members permit proceedings have been simplified in several ways.

100.128 Accepted

94. Child's emergency placement is based on a decision by social welfare authorities, appealable to administrative court. The Administrative Court decides on taking child into care.

100.130 Noted

95. Training on rights of the child is being provided – in future also as decided by the Judicial Training Board – and within the resources allocated.

100.131 Accepted

96. The Action Plan to prevent corporal punishment which aimed to raise awareness is implemented. Further actions will be included, *inter alia*, in the Action Plan for injury prevention among children/youth.

100.132 Accepted

97. Detention legislation was amended in 2017 and sets strict and detailed conditions for detention of unaccompanied minors which is exceptional.

98. Instead of prohibiting detention, effort is made to reduce the detention of children.

100.133–134 Noted

99. The placement of a child – as all activities during his or her imprisonment – must serve the best interests of the child. The over-all wellbeing of young detainees is always assessed and taken care of. See comments under 100.1.

100.135–138 Accepted

100. Government has implemented all structures required in CRPD in an inclusive manner.

101. Non-discrimination Act protects against discrimination on the basis of disabilities and requires necessary reasonable adjustments to be made.

100.139–142 Accepted

102. Non-discrimination Act protects against discrimination on the grounds of origin or other reason related to person.

103. Government promotes diversity and supports language education for minorities. There are projects aimed at developing services for national minorities such as Roma and indigenous Sámi.

104. NGOs play an important role in supplementing the authorities' activities and as cooperation partners. See also comments under 100.35, 100.54–58 and 100.60–64.

100.143 Accepted

105. According to the Act on the Sámi Parliament, authorities negotiate with the Sámi Parliament on all far-reaching and important measures that may, directly and in a specific way, affect the status of Sámi as indigenous people and that concern, for instance, following matters in the Sámi homeland: community planning; management, use, leasing and assignment of state lands, conservation areas/wilderness areas; prospecting for and utilising deposits containing mining minerals; panning for gold in state lands and waters. To fulfil the obligation to negotiate, relevant authorities must reserve the Sámi Parliament an opportunity to be heard and negotiate on the matter.

100.144–153 Accepted

106. NAPFHR includes measures for promoting the rights of refugees and ethnic minorities.

107. Government's Integration Programme for 2016-2019 promotes implementation of integration policy.

108. The number of asylum-seekers rose markedly in 2015. Government responded to the situation by preparing various procedures, operating models and monitoring programme in

order to ensure efficient asylum process, sufficient reception capacity, provide integration measures for those granted asylum and to address any shortcomings detected in operations.

109. See also comments under 100.54–58, 100.60–64, 100.65, 100.66–73.